

ANDREW P. CAPUTO, Cal. Bar No. 203655
 Natural Resources Defense Council
 111 Sutter St., 20th Floor
 San Francisco, CA 94104
 (415) 875-6100
 (415) 875-6161 (fax)

HOWARD M. CRYSTAL, *pro hac vice*
 ERIC R. GLITZENSTEIN, *pro hac vice*
 Meyer & Glitzenstein
 1601 Connecticut Avenue, N.W., Suite 700
 Washington, D.C. 20009
 (202) 588-5206
 (202) 588-5049 (fax)

JOEL R. REYNOLDS, Cal. Bar. No. 85276
 JAMES M. BIRKELUND, Cal. Bar. No. 206328
 Natural Resources Defense Council
 1314 Second Street
 Santa Monica, California 90401
 (310) 434-2300
 (310) 434-2399 (fax)

GEOFFREY H. FETTUS, D.C. Bar No. 454076
 Natural Resources Defense Council
 1200 New York Ave., NW, Suite 400
 Washington, DC 20005
 (202) 289-6868
 (202) 289-1060 (fax)

Attorneys for Plaintiffs Natural Resources Defense Council and Committee To Bridge The Gap

(additional attorneys listed on next pages)

**UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

NATURAL RESOURCES DEFENSE)
 COUNCIL, INC., et al.)
)
 Plaintiffs,)
 v.)
)
 DEPARTMENT OF ENERGY, et al.)
)
 Defendants.)

C 04-4448 FMS

**STIPULATED REFERRAL
 FOR A SETTLEMENT CONFERENCE,
 REQUEST TO VACATE SCHEDULING
 ORDER AND [REDACTED] ORDER**



1 ROCKARD J. DELGADILLO, Cal. Bar No. 125465
2 Los Angeles City Attorney
3 SUSAN D. PFANN, Cal. Bar No. 90217
4 MARY J. DECKER, Cal. Bar. No. 148255
5 City of Los Angeles
6 Office of the City Attorney
7 200 North Main Street, 700 City Hall East
8 Los Angeles, CA 90012
9 (213) 978-8100
10 (213) 978-8090 (fax)
11 *Attorneys for Plaintiff City of Los Angeles*

12 THOMAS L. SANSONETTI
13 Assistant Attorney General

14 MARK A. RIGAU (SBN 223610)
15 Trial Attorney
16 U.S. Department of Justice
17 Environment and Natural Resources Division
18 Environmental Defense Section
19 301 Howard Street, Suite 1050
20 San Francisco, California 94105
21 Telephone No: (415) 744-6487
22 Facsimile No: (415) 744-6476

23 JEFFREY S. DILLEN (DCBN 481439)
24 Trial Attorney
25 U.S. Department of Justice
26 Environment and Natural Resources Division
27 Natural Resources Section
28 601 D Street, N.W.
Patrick Henry Building - Third Floor
Washington, D.C. 20004
Telephone: (202) 305-0293
Facsimile: (202) 514-8865

1 ANDREW A. SMITH (NMBN 8341)
2 United States Department of Justice
3 c/o United States Attorneys Office
4 201 Third Street, N.W., Suite 900
5 P.O. Box 607
6 Albuquerque, New Mexico 87103
7 (505) 224-1468
8 fax: (505) 346-7205

9 MICHAEL EITEL
10 Trial Attorney
11 U.S. Department of Justice
12 Environment and Natural Resources Division
13 Wildlife and Marine Resources Section
14 601 D Street, N.W.
15 Patrick Henry Building - Third Floor
16 Washington, D.C. 20004
17 Telephone: (202) 305-0339
18 Facsimile: (202) 514-8865

19 KEVIN V. RYAN (SBN 118321)
20 United States Attorney

21 JAMES A. CODA (SBN 1012669 (WI))
22 Assistant United States Attorney
23 Northern District of California
24 450 Golden Gate Ave., Box 36055
25 San Francisco, CA 94102
26 Telephone: (415) 436-6967
27 Facsimile: (415) 436-7234
28 *Attorneys for the United States*

Whereas, Plaintiffs, NATURAL RESOURCES DEFENSE COUNSEL, COMMITTEE TO BRIDGE THE GAP, and CITY OF LOS ANGELES, and Defendants U.S. DEPARTMENT OF ENERGY (“DOE”), SAMUEL W. BODMAN,¹ SECRETARY OF DOE, and CAMILLE YUAN-SOO HOO (collectively the “Parties”), have held several calls with the Office of Alternative Dispute Resolution (“ADR”) for the U.S. District Court, Northern District of California; and

Whereas, the Parties, with the assistance of the Office of ADR coordinator, have determined that this case might benefit from a non-binding Settlement Conference before a Magistrate Judge, using a mediation process; and

Whereas, the Parties are currently discussing additions and modifications to the Administrative Record (“AR”) that was produced on April 25, 2005, and DOE is intending to make changes to the AR by June 30, 2005; and

Whereas, in light of the proposed Settlement Conference and the time needed to resolve the issues relating to the AR, the Parties agree that it is appropriate to briefly delay the summary judgment schedule entered on April 18, 2005;

IT IS HEREBY AGREED AND THE PARTIES STIPULATE, subject to the Court’s approval, as follows:

¹ Secretary, Samuel W. Bodman, sworn in to office on February 1, 2005, is automatically substituted for his predecessor in office pursuant to Fed. R. Civ. P. 25(d)(1). This Stipulation is entered into on behalf of the U.S. Department of Energy and the individually named defendants acting in their official capacity.

1. The case is hereby referred to a Settlement Conference for mediation before a Magistrate Judge. If possible, the Parties request to meet with a Magistrate Judge in approximately 80 days.
2. The Scheduling Order entered by the Court on April 18, 2005, is hereby VACATED.
3. This case is to be set for a Case Management Conference (“CMC”) on October 1, 2005, or as soon thereafter as the Court is available. In the event the Parties have not resolved the matter through mediation or settlement agreement, the Parties shall file a Joint Case Management Statement at least seven days before the CMC.

Dated: June 6, 2005

Respectfully submitted,

ANDREW P. CAPUTO, Cal. Bar No. 203655
Natural Resources Defense Council
111 Sutter St., 20th Floor
San Francisco, CA 94104
(415) 875-6100
(415) 875-6161

HOWARD M. CRYSTAL, D.C. Bar. No. 446189
ERIC R. GLITZENSTEIN, D.C. Bar No. 358287
Meyer & Glitzenstein
1601 Connecticut Avenue, N.W., Suite 700
Washington, D.C. 20009
(202) 588-5206
(202) 588-5049 (fax)

JOEL R. REYNOLDS, Cal. Bar. No. 85276
JAMES M. BIRKELUND, Cal. Bar. No. 206328
Natural Resources Defense Council
1314 Second Street
Santa Monica, California 90401
(310) 434-2300
(310) 434-2399 (fax)

**Stipulated Referral for a Settlement Conference,
Request to Vacate Scheduling Order, and [Proposed] Order
NRDC et al. v. DOE et al. (N.D. Cal.)
Case No. 04-04448 FMS**

GEOFFREY H. FETTUS, D.C. Bar No. 454076
Natural Resources Defense Council
1200 New York Ave., NW, Suite 400
Washington, DC 20005
(202) 289-6868
(202) 289-6868 (fax)

*Attorneys for Plaintiffs Natural Resources Defense
Council and Committee To Bridge The Gap*

ROCKARD J. DELGADILLO, Cal. Bar No. 125465
Los Angeles City Attorney
SUSAN D. PFANN, Cal. Bar No. 90217
MARY J. DECKER, Cal. Bar. No. 148255
City of Los Angeles
Office of the City Attorney
200 North Main Street, 700 City Hall East
Los Angeles, CA 90012
(213) 978-8100
(213) 978-8090 (fax)

Attorneys for Plaintiff City of Los Angeles

THOMAS L. SANSONETTI
Assistant Attorney General

MARK A. RIGAU (SBN 223610)
Trial Attorney
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Defense Section
301 Howard Street, Suite 1050
San Francisco, California 94105
Telephone No: (415) 744-6487
Facsimile No: (415) 744-6476

JEFFREY S. DILLEN (DCBN 481439)
Trial Attorney
U.S. Department of Justice
Environment and Natural Resources Division
Natural Resources Section
601 D Street, N.W.
Patrick Henry Building - Third Floor
Washington, D.C. 20004
Telephone: (202) 305-0293
Facsimile: (202) 514-8865

ANDREW A. SMITH (NMBN 8341)
United States Department of Justice
c/o United States Attorneys Office
201 Third Street, N.W., Suite 900
P.O. Box 607
Albuquerque, New Mexico 87103
(505) 224-1468
fax: (505) 346-7205

MICHAEL EITEL
Trial Attorney
U.S. Department of Justice
Environment and Natural Resources Division
Wildlife and Marine Resources Section
601 D Street, N.W.
Patrick Henry Building - Third Floor
Washington, D.C. 20004
Telephone: (202) 305-0339
Facsimile: (202) 514-8865

KEVIN V. RYAN (SBN 118321)
United States Attorney

JAMES A. CODA (SBN 1012669 (WI))
Assistant United States Attorney
Northern District of California
450 Golden Gate Ave., Box 36055
San Francisco, CA 94102
Telephone: (415) 436-6967
Facsimile: (415) 436-7234

Attorneys for the United States

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: 6/6/05

U.S. District Judge

**Stipulated Referral for a Settlement Conference,
Request to Vacate Scheduling Order, and [Proposed] Order
NRDC et al. v. DOE et al. (N.D. Cal.)
Case No. 04-04448 FMS**